

1 PITEGOFF LAW OFFICE
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6
7 **UNITED STATES DISTRICT COURT**
8
DISTRICT OF NEVADA

9 CAMY L. THOMPSON, individually,)
10 THOMAS J. THOMPSON, individually, and) Case No. 2:11-CV01238-JCM-RJJ
11 CAMY L. THOMPSON and ANITA NORTE-)
STRAYHAND, as Special Co-Administrators)
of the ESTATE OF JERRY T. THOMPSON,)
deceased,)
13 Plaintiffs,)
14 adv.)
15 CITY OF MESQUITE dba MESQUITE)
POLICE DEPARTMENT, a Political Sub-)
Division of the State of Nevada; CITY OF)
MESQUITE, a Political Sub-Division of the)
State of Nevada; MOHAVE COUNTY)
SHERIFF'S OFFICE, A Separate Political)
Entity of the State of Arizona, DOES I through)
X and ROE CORPORATIONS I through X,)
inclusive,)
21 Defendants.)

23 COMES NOW CITY OF MESQUITE DEFENDANTS, by and through their attorney of
24 record, Jeffrey I. Pitegoff, Esq. of PITEGOFF LAW OFFICE and hereby submits this Individual
25 Status Report pursuant to this Court's Order.
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I. FACTS and DISCUSSION

The Mesquite Defendants are forced to submit this Individual Status Report in order to explain why the “Joint Interim Status Report” filed by counsel for Plaintiff is inaccurate and misleading. However, before pointing out the errors by Plaintiff’s Counsel, attached hereto is a signed Stipulation and Order for the Record. See Exhibit A.¹

As to the statements by Mr. Myers in the “Joint Status Report” casting dispersion upon Mr. Pitegoff, the attack is not only without merit, but it appears that Mr. Myers is not without fault in finalizing the dismissal of this case.

After service of the Court's Order seeking a Joint Status Conference, Mr. Pitegoff telephoned Mr. Myers to discuss filing the Stipulation and Order for Dismissal. However, Mr. Myers was unavailable. Accordingly, Mr. Pitegoff gave Mr. Myers' Assistant permission to execute the Stipulation and Order with his electronic signature and stated that if confirmation was required, to simply send an email requesting as much. Mr. Pitegoff did not receive any request for confirmation in email form, letter form, facsimile form, or by way of another confirming telephone call.

Counsel was under the impression from the discussion with Mr. Myers' office that the Stipulation and Order for Dismissal would be filed as discussed. However, rather than file the Stipulation as requested by Mr. Pitegoff, Mr. Myers filed a "Joint Status Report" disparaging Mr. Pitegoff, without ever contacting him to discuss anything related to the status report or the electronic signature.

¹ Counsel contacted Mr. Myer's office and obtained a facsimile of the Stipulation and Order for Dismissal to which he added his signature.

1 Within minutes of receiving a service notification of the "Joint Status Report", Counsel
2 telephoned Mr. Myers to address the inaccurate statements he made in the "Joint" report and find
3 out why he failed to file the Stipulation and Order for Dismissal. Despite making an immediate
4 call to Mr. Myers, his office stated he had left for the day. It was just after 2:00 p.m.
5

6 Concerned about the fact that Mr. Myers' office did not do what had been represented
7 would be done, Counsel questioned Mr. Myers' Assistant in regard to the discussion that
8 occurred last week. Mr. Myers' Assistant was adamant that an email seeking confirmation was
9 sent to Mr. Pitegoff two days in a row on May 9th and May 10th, seeking confirmation for the
10 electronic signature. With Mr. Myers Assistant on the telephone, Mr. Pitegoff checked for these
11 emails and found none. Mr. Myers' Assistant was remained adamant that the emails were sent.
12 However, when questioned for the email address to which the emails were sent, it became clear
13 that Mr. Myers' did not send emails to Mr. Pitegoff's proper email address, despite the fact that
14 Counsel's email address is properly listed in the Nevada Legal Directory, Nevada State Bar web
15 site and is the exact same email address that has been used by this Court for the CMECF system
16 for years. Simply put, Mr. Myers made an error. Although the error is essentially harmless, it
17 should have been addressed by a simple telephone call, a call that was supposed to be made
18 before filing a "Joint" status report.
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20 II. REQUEST FOR DISMISSAL

21 Clearly, the case has been resolved by way of settlement and there was a delay in filing the
22 proper closing documents. Mesquite respectfully requests this Court grant the Stipulation and
23 Order attached hereto as Exhibit A and apologizes for any inconvenience and the delay.
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25 DATED this 14th day of May, 2011
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28 PITEGOFF LAW OFFICE

/s/Jeffrey Pitegoff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Status Report was made this 14th day of May 2011, by:

- [] **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.
- [] **BY FACSIMILE:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document.
- [] **BY PERSONAL SERVICE:** by causing personal delivery by an employee of Pitegoff Law Office of the document(s) listed above to the person(s) at the address(es) set forth below.
- [xx] **BY ELECTRONIC SERVICE:** by transmitting via the Court's electronic filing services

Michael S. Myers, Esq.
Jeffrey R. Gomel, Esq.
Attorney for Plaintiffs

Brian Blakenship, Esq.
Attorney for Mohave County

/s/Jeffrey Pitegoff
An Employee of Pitegoff Law Offices

1 MICHAEL S. MYERS, ESQ.
2 Nevada Bar No. 1494
3 JEFFREY R. GOMEL, ESQ.
4 Nevada Bar No. 3067
5 MYERS & GOMEL, P.C.
6 2920 South Rainbow Blvd., Suite 180
7 Las Vegas, Nevada 89146
8 Telephone: (702) 873-0001
9 Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 CAMY L. THOMPSON, individually,
11 THOMAS J. THOMPSON, individually,
12 and CAMY L. THOMPSON and ANITA
13 NORTE-STRAYHAND, as Special
14 Co-Administrators of the ESTATE OF
15 JERRY T. THOMPSON, deceased,
16 Plaintiffs,
17 vs.
18 CITY OF MESQUITE dba MESQUITE
19 POLICE DEPARTMENT, a Political
20 Sub-Division of the State of Nevada;
CITY OF MESQUITE, a Political
Sub-Division of the State of Nevada;
MOHAVE COUNTY SHERIFF'S OFFICE,
A Separate Political Entity of the State of
Arizona, DOES I through X and ROE
CORPORATIONS I through X,
inclusive,
Defendants.

CASE NO. 2:11-CV-01238-JCM-RJJ

**STIPULATION AND ORDER
FOR DISMISSAL**

23 IT IS HEREBY STIPULATED by and between the parties hereto, through their
24 respective counsel of record, that the above-entitled matter may be dismissed, with prejudice,

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EXHIBIT A

1 each party to bear their own costs and attorney's fees.

2 Dated this 8th day of May, 2012

3 MYERS & GOMEL, P.C.

4

5 BY: 
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10

11 MARQUIS AURBACH COFFING

12 
13 BY: 
BRIAN BLAKENSHIP, ESQ.
14 Nevada Bar No. 11522
10001 Park Run Drive
15 Las Vegas, Nevada 89145
Attorneys for Defendant
16 Mohave County Sheriff's Office

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18 **ORDER**

19 Based upon the foregoing Stipulation by the parties, and good cause appearing therefor,
20 it is hereby

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Dated this 14 day of May, 2012

PITEGOFF LAW OFFICE

BY: 
JEFFREY I. PITEGOFF, ESQ.
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415 South Sixth Street, Suite 300
Las Vegas, Nevada 89101
Attorneys for Defendant
City of Mesquite

1 ORDERED, ADJUDGED and DECREED that the above-entitled matter be dismissed,
2 with prejudice, each party to bear their own costs and attorney's fees.

3 Dated this 21 day of May, 2012.

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6 UNITED STATES DISTRICT COURT JUDGE
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8 Submitted By:

9 MYERS & GOMEL, P.C.

10
11 BY: 
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